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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID RASCON; TERESA RASCON,) Case No. EDCV 11-01117 DDP (DTBx)
Plaintiffs,)
v.) **ORDER GRANTING MOTION TO DISMISS**
WELLS FARGO BANK, NA)
FORMERLY KNOWN AS (F/K/A),)
WACHOVIA MORTGAGE FSB, et) [Motions filed on 9/16/11]
al.)
Defendants.)
_____)

Presently before the court is the Motion to Dismiss Plaintiffs' Complaint filed by Wells Fargo Bank, NA ("Wells Fargo"). Because Plaintiffs have not filed an opposition, the court GRANTS the motion.

Central District of California Local Rule 7-9 requires an opposing party to file an opposition to any motion at least twenty-one (21) days prior to the date designated for hearing the motion. C.D. CAL. L.R. 7-9. Additionally, Local Rule 7-12 provides that "[t]he failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." C.D. CAL. L.R. 7-12.

1 The hearing on Defendant's motion was set for October 17,
2 2011. Plaintiffs' opposition was therefore due by September 26,
3 2011. As of the date of this Order, Plaintiffs have not filed an
4 opposition, or any other filing that could be construed as a
5 request for a continuance. Accordingly, the court deems
6 Plaintiffs' failure to oppose as consent to granting the motion to
7 dismiss, and GRANTS the motion. Defendant's Motion to Strike
8 Portions of Plaintiffs' Complaint is VACATED as moot.

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10 IT IS SO ORDERED.

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13 Dated: September 28, 2011



DEAN D. PREGERSON
United States District Judge